

GAU 1638



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Technology Center 2600 TECH CENTER 1600/2900

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : ) Examiner: Not yet assigned  
McDonald, et al. )  
Serial No.: 09/591,432 ) Art Unit: 1638  
Filed: June 9, 2000 )  
For: **SYSTEMS AND METHOD FOR** ) Attorney Docket: 22727/04060  
**DETERMINING A SEED VIGOR** )  
**INDEX FROM GERMINATED** )  
**SEEDLINGS BY AUTOMATIC** )  
**SEPARATION OF OVERLAPPED** )  
**SEEDLINGS** )

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith are the following:

1. Information Disclosure Statement;
2. Form PTO-1449;
3. 23 References; and
4. A Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of this Information Disclosure Statement. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: 1/19/2001

By: Sean T. Moorhead  
Sean T. Moorhead, Reg. No. 38,564  
(216) 622-8844  
smoorhead@calfee.com

CERTIFICATE OF MAILING

I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 1/19/2001 day of January, 2001.

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: Wendy A. Frick



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Wendy A. Frick

Signed: Wendy A. Frick

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<b>SEEDLINGS</b>	)	

Assistant Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This information disclosure statement is being filed before the mailing of a first Office Action on the merits. Applicants wish to disclose the following information:

REFERENCES

- The Applicants wish to make of record the references listed on the attached Form PTO-1449. copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- Listed on the attached PTO form 1449 is information known to persons substantively involved in the preparation of the application identified above, and is not a representation that more pertinent information does not exist.

- The identification of any information herein is not intended to be, and should not be understood as being, an admission that such information, in fact, constitutes "prior art" within the meaning of applicable law. The "prior art" status of any information is a matter to be resolved during prosecution.

**CERTIFICATION**

- Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this statement.
- This information disclosure statement is being filed within three months of the filing of the within application and/or prior to a first Office Action on the merits being received.

**PETITION**

- Applicants hereby request consideration of the attached information.

**DEPOSIT ACCOUNT**

- A check is attached in the amount of \$ \_\_\_\_\_ required under 37 § 1.17(p).
- It is not believed that any fee is required relating to the filing of this information disclosure statement. If this is not the case, the patent office is hereby authorized to charge any related fee to **Deposit Account No. 03-0172**.

Respectfully submitted,

Date: 1/19/2001

By: Sean T. Moorhead  
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[smoorhead@calfee.com](mailto:smoorhead@calfee.com)